

PTO/PCT Rec'd 06 NOV 2001

**EXPRESS MAIL NO. EL 645 877 770 US**

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 / Ruth Montalvo Date: November 6, 2001

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Customer No. 026418  
Attorney's Docket No.: GK-ZEI-3140 / 500343.20141  
U.S. Application No.:  
International Application No.: PCT/EP01/01663  
International Filing Date: FEBRUARY 15, 2001 15 FEBRUARY 2001  
Priority Date Claimed: FEBRUARY 22, 2000 22 FEBRUARY 2000  
Title of Invention: METHOD AND SYSTEM FOR DETECTING THE LIGHT COMING FROM A SAMPLE  
Applicant(s) for (DO/EO/US): Reinhard JANKA, Volker JUENGEL, Tilo JANKOWSKI and Frank HECHT

**RECEIVED**  
07 JUN 2002  
Legal Staff  
International Division

BOX PCT  
Commissioner for Patents  
Washington, DC 20231

**PETITION TO REVIVE PURSUANT TO 37 CFR 1.137(b)**

Sir:

Applicants hereby Petition the Commissioner to Revive the above-identified abandoned PCT application, which became abandoned for failure to file the National Phase Application on October 22, 2001.

Abandonment was unintentional, the national phase application was overlooked and was not timely filed. Once we noticed the error, our clerk called the PCT branch and spoke to Mr. LaBalle on October 25, 2001, who advised her to file a Petition to Revive the PCT application and to complete the filing of the National Phase application as soon as possible.

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Enclosed is a Declaration by Ruth Montalvo and the completed National Phase application as follows:

- 1 PTO-1390 transmittal form in duplicate;
- 2 Executed Declaration/POA;
- 3 Verified English translation of Publication WO 01/63259;
- 4 Preliminary Amendment with Substitute Specification and Abstract and a marked-up Substitute Specification and Abstract;
- 5 Information Disclosure Statement, Search Report (PCT/ISA/210) 5JUL01, German Examination Report 14SEP00, PTO-1449 with 13 cited references, 5 English Abstract and 1 US equivalent; and
- 6 Publication WO 01/63259 published August 30, 2001;
- 7 PTO-1619A with an Assignment for recordation: and
- 8 Check in the amount of \$ 930.00.

The Commissioner is hereby authorized to charge the petition and filing fees or any additional fees required to Deposit Account No. 50-1529. A duplicate of this Petition is enclosed.

Accordingly, favorable consideration of this Petition is earnestly solicited.

Respectfully submitted,

GHK:ram

11/06/01  
Tel. (212) 521-5400

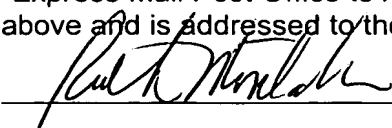
  
\_\_\_\_\_  
Gerald H. Kiel - Reg. No. 25,116  
Reed Smith LLP  
375 Park Avenue  
New York, NY 10152

Enclosure(s):

Declaration by Ruth Montalvo  
Items 1 - 8 as listed above  
(Completed National Phase application)

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Frank HECHT

BOX PCT  
Commissioner for Patents  
Washington, DC 20231

**DECLARATION OF RUTH MONTALVO**

Sir:

Ruth Montalvo, hereby solemnly and sincerely declares that:

1. I am a docketing clerk for the firm of Reed Smith LLP formerly known as McAulay Nissen Goldberg Kiel & Hand, LLP and have been working in that capacity since June 1992.
2. I am principally responsible for sending out all outgoing Patent and Trademark Office mail for all eleven (11) attorneys of this firm including filing all Patent and National Phase applications, etc. to the U.S. Patent and Trademark Office.
3. On October 22, 2000 I was training a new secretary for one of the attorneys and I did not check my filings for this day.
4. On October 23, 2001 I found the above-mentioned application and noticed my mistake, that I missed the National Phase filing date of October 22, 2001. I informed Mr. Kiel's secretary of the mishap.

5. Upon review of the file I noticed that we did not have the executed declaration and/or assignment in the file.
6. On October 25, 2001, I called the PCT branch of the Patent and Trademark Office and spoke to Mr. LaBalle, who advised me to file a Petition to Revive the PCT application and to complete the filing of the National Phase application as soon as possible.
7. On October 29, 2001 - October 31, 2001 I was on Vacation, When I returned on November 1, 2001 I check the file and we still did not have the executed documents.
8. On Friday, November 2, 2001 we received the executed declaration and assignment for this case.
9. On Monday, November 5, 2001 I prepared the Completed National Phase application and the Petition to Revive for filing today.
10. I further declare that all statements made herein are of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 to Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent resulting therefrom.

Dated: November 6, 2001

  
Ruth Montalvo